

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

**DECLARATION OF BENJAMIN W.
HULSE IN SUPPORT OF
DEFENDANTS' FIFTEENTH
MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH
PRETRIAL ORDER NO. 14**

Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively, "Defendants") in this litigation. I submit this declaration in support of Defendants' Fifteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit A are true and correct copies of the deficiency letters I sent on the dates indicated to counsel for the Plaintiff identified in Part B of Defendants' "Memorandum of Law in Support of Defendants' Fifteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

3. Attached as Exhibit B is a true and correct copy of the email agreement from August 9, 2018 between parties' counsel, Ted D. Hartman and Dae Yeol Lee, regarding conditional withdrawal of the Thirteenth Motion to Dismiss as to *Parker* (17-cv-03573),

Henderson (17-cv-4517), *Edwards* (17-cv-04891), *Johnston* (17-cv-05270), and *Billings* (17-cv-05277).

4. Attached as Exhibit C are true and correct copies of the final deficiency letters I sent on the dates indicated to counsel for the Plaintiff identified in Part C of Defendants' "Memorandum of Law in Support of Defendants' Fifteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

5. Attached as Exhibit D is a true and correct copy of Mary S. Young's August 10, 2018 email to the Court with "Defendants' PFS List 1: Overdue Plaintiff Fact Sheets," "Defendants' PFS List 2: Plaintiffs Who Have Not Responded to Defendants' Deficiency Notices," and "Defendants' PFS List 3: Core Deficiencies Remained Following Notice and Response" attached to same.

6. Attached as Exhibit E is a true and correct copy of Benjamin W. Hulse's September 17, 2018 email to the Court with "Defendants' PFS List 1: Overdue Plaintiff Fact Sheets," "Defendants' PFS List 2: Plaintiffs Who Have Not Responded to Defendants' Deficiency Notices," and "Defendants' PFS List 3: Core Deficiencies Remained Following Notice and Response" attached to same.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 4th day of October, 2018.

s/Benjamin W. Hulse
Benjamin W. Hulse